

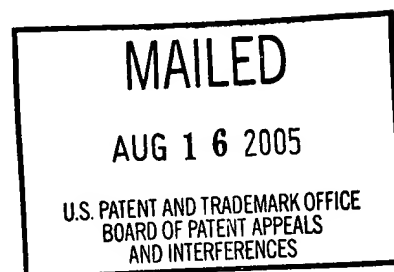
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte DONALD L. MORTON,
RISHAB K. GUPTA, and
DAVID M. EUHIS

Application No. 07/431,533



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Examiner's Answer was mailed February 13, 2001. However, the appeal conference is improper. The Manual of Patent Examining Procedures (MPEP) § 1208 states:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal.

...

Application No. 07/431,533

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. **These two appeal conference participants must place their initials next to their names. This will make the record clear that an appeal conference has been held.** (Emphasis added).

Proper correction of the Examiner's Answer is required.

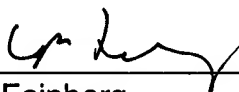
Additionally, we were unable to locate a copy of the Abstract to the specification filed November 3, 1989.

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner:

- (1) for correction of the Examiner's Answer mailed February 13, 2001, showing that a proper appeal conference has been held;
- (2) to have a copy of the corrected Examiner's Answer scanned into the official record;
- (3) to provide written notification to appellants as to the correction of the appeal conference;
- (4) to locate the missing Abstract to the specification;
- (5) to have a complete copy of the Abstract scanned into the Official record; and
- (6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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